IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15102 of 2004

Between:

G.V. Rangaraju Kumar,

S/o Venkata Narasimharaju,
R/o Bhimavaram, West Godavari District.

..... PETITIONER

AND

The Additional Assistant Engineer, (Operation),

A.P. Eastern Power Distribution Company Limited,
Nidamarru, West Godavari District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus directing the respondent not to remove the service connections of power Supply of the petitioner by declaring that the action of the respondent vide his notice Lr.No. AAE/O/NDMR/E dated 18-8-2004 is highly arbitrary illegal violative of principles of natural Justice discriminatory violative of Articles 14, 21 and 300-A of the constitution of India.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent: MRS.M.VINOBHA DEVI

(SC FOR APTRANSCO)

The Court made the following:

ORAL ORDER :

Heard the learned Counsel for the petitioner and the learned Standing Counsel Smt. M.Vinobha Devi, appearing for the respondent.

Petitioner states that he obtained five service connections of power supply in the year 1994 bearing S.C.Nos.245, 246, 247, 248 and 249 for the purpose of agricultural operations at Tokalapalli Village, Nidamanuru Mandal of West Godavari District. He states that he has been regularly paying the energy consumption charges and there is absolutely no default at any point of time. While so, the impugned proceedings dated 19-08-2004 issued by the respondent have been served on the petitioner, in which it is stated that as per the proceedings of the District Collector, West Godavari in R.C.No.D6/11717/96, dated 08-08-1999, the land of the petitioner forms part of Contour + 5' MSL as per the map of the Principal Chief Conservator of Forests, Andhra Pradesh and that it also falls within the bird sanctuary of Kolleru and therefore, the electrical service connections of the petitioner will be disconnected after one week from the date of the said notice. The petitioner states that he received the said notice on 20-08-2004. The petitioner denies all the allegations made in the said notice and states that the land in question is his own land. It is also contended that the unilateral decision of the respondent under the impugned notice to disconnect the power supply to the service connections of the petitioner without affording any opportunity to rebut the allegations made therein is arbitrary and illegal apart from being without jurisdiction.

A reading of the impugned notices shows that the petitioner was not issued any prior notice to rebut the allegation that the land in question forms part of Bird Sanctuary of Kolleru. It is also the specific plea of the petitioner that the proceedings of the District Collector, West Godavari District, dated 08-08-1999 were not served on him and in the absence of the same he cannot effectively explain the allegations in the

impugned notice. In the circumstances, I am of the view that it would be appropriate to afford an opportunity to the petitioner to meet the allegations made in the impugned notice.

Accordingly, the impugned notices are set aside and the Writ Petition is disposed of with a direction to the respondent to furnish a copy of the proceedings of the District Collector, West Godavari District, Eluru in R.C.No.D6/11717/96, dated 08-08-1999 within one week from today. On receipt of the said proceedings, it is open to the petitioner to submit his explanation to the respondent treating the impugned notice as show-cause notice within one week thereafter. If such explanation is received within the time specified above, the respondent shall consider the same and pass appropriate orders in accordance with law. Till such orders are passed, there shall not be any disconnection of power supply to the service connection Nos.245, 246, 247, 248 and 249 situated at Tokalapalli Village, West Godavari District.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J

24th August, 2004

Isn/Gbs

To

1. The Additional Assistant Engineer, (Operation),

A.P. Eastern Power Distribution Company Limited,
Nidamarru, West Godavari District.

2. The District Collector, West Godavari, Eluru.

3. Two CD copies.